



1613 Rec'd PCT/PTO 26 MAR 2001

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BOX MISSING PARTS  
PATENT  
0020-4802P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: AZUMA, Ichiro et al. Conf.:  
Appl. No.: 09/743,750 Group: UNASSIGNED  
Filed: January 16, 2001 Examiner: UNASSIGNED  
For: FORMULATIONS USEFUL FOR IMMUNOTHERAPY  
FOR CANCERS CONTAINING BACTERIAL  
COMPONENT AS AN ACTIVE INGREDIENT

LETTER

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, DC 20231

March 26, 2001

Sir:

Applicant wishes to advise the United States Patent and Trademark Office that a Declaration was filed on March 22, 2001, to perfect Applicant's filing requirements.

The filing requirements were perfected prior to the receipt of the Notice to File Missing Parts of Nonprovisional Application, a copy of which is attached hereto.

As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the postcard indicating receipt of the

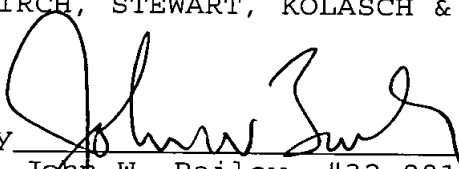
Appl. No. 09/743,750

Declaration by the United States Patent and Trademark Office and payment of the appropriate fees by the Applicant.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
John W. Bailey, #32,881

JWB:bmp  
0020-4802P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

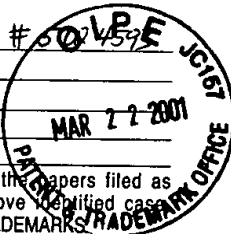
Attachments: Copy of Notice to File Missing Parts  
Copy of Postcard Receipt

(Rev. 01/22/01)

Papers Filed herewith on: 22 March 2001 **4**  
DOCKET NO.: 0020-4802 P ATTY.: JWB  
APPLICANT(S): AZUMA et al  
APPLN. NO.: 09/743,750 FILED: 1-16-2001  
PAT NO.:

- ☐ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.53(d) (CPA)  
☐ Filing Under 37 CFR 1.114(RCE)  
☐ Specification Consisting of: \_\_\_\_\_ pages  
☐ Combined Declaration & Power of Attorney  
☒ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-Ink  
☐ Completion of Filing Requirements, PCT/DO/EO/905  
or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☐ Amendment: \_\_\_\_\_  
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity  
☐ Response \_\_\_\_\_  
☐ Information Disc Stmnt. PTO-1449(s) \_\_\_\_\_ ref(s)  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal  
☒ FEES: \$40.00 - check # 5024572  
☐ Letter: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

Receipt is hereby acknowledged of the papers filed as  
indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: 4-16-2001  
Handcarry: \_\_\_\_\_

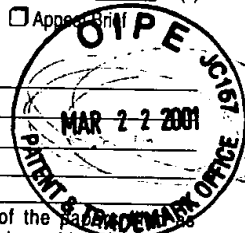


DOCKET NO. 0020-4802 P

Papers Filed herewith on: March 22, 2001 **5**  
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APPLICANT(S): AZUMA Ichiro et al.  
APPLN. NO.: 09/743,750 FILED: 1-16-2001  
PAT NO.:

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☒ Completion of Filing Requirements, PCT/DO/EO/905  
or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☐ Amendment: \_\_\_\_\_  
☐ Transmtl Ltr ☐ Large Entity ☐ Small Entity  
☐ Response \_\_\_\_\_  
☐ Information Disc Stmnt. PTO-1449(s) \_\_\_\_\_ ref(s)  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal  
☐ FEES: \_\_\_\_\_  
☐ Letter: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

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COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: 4-16-2001  
Handcarry: \_\_\_\_\_



DOCKET NO. 0020-4802 P



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/743750	AZUMA	0020-4802P
INTERNATIONAL APPLICATION NO.		
PCT/JP99/03837		
I.A. FILING DATE	PRIORITY DATE	
16 JUL 99	16 JUL 98	
DATE MAILED: 16 MAR 2001		

BIRCH STEWART KOLASCH & BIRCH  
8110 GATEHOUSE ROAD  
SUITE 500 EAST  
FALLS CHURCH, VA 22042

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):  
☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☒ a non-English language.  
☐ English.  
☒ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☒ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed 16 JAN 2001 and \_\_\_\_\_  
☒ Information Disclosure Statement(s) filed 16 JAN 2001 and \_\_\_\_\_  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_  
☐ Verified Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:  
☐ PCT/DO/EO/917  
☐ PTO-875  
☐ FORM PCT/DO/EO/905 (December)

☐ Notice of Defective Translation

Fred Smith

Telephone: 703-305-3654